

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY SEPTEMBER 19, 2005

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, September 19, 2005, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Fitch (by conference phone), Ralston, Lundberg, and Pishioneri. Also present were Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Councilor Woodrow was absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Recognition of Kim Charboneau for Twenty Years of Service to the City of Springfield.

Assistant City Manager Cynthia Pappas introduced Kim Charboneau and gave a brief summary of her history with the city. She noted the changes Kim has noticed over the last twenty years and shared a humorous event in Kim's career.

2. Acknowledgement of Thurston Players on the Willamette Valley Boys Baseball Team.

Mayor Leiken acknowledged five Thurston players on the Willamette Valley Boys Baseball Team. Councilor Pishioneri introduced the boys and Mayor Leiken presented each player with a letter of congratulations. Willamette Valley qualified and went on to the National semi-finals of the Cal Ripken World Series. At the semi-finals, Willamette Valley finished the tournament 3-2, earning them Third Place nationwide. Willamette Valley traveled farther in national-level competition than any Springfield-area Babe Ruth team before them.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – WOODROW).

a. Claims

- a. Approval of the July 2005, Disbursements for Approval.
- b. Approval of the August 2005, Disbursements for Approval.

b. Minutes

- a. August 1, 2005 – Work Session
- b. August 1, 2005 – Regular Meeting
- c. August 24, 2005 – TEAM Springfield Joint Elected Officials Meeting

c. Resolutions

- a. RESOLUTION NO. 05-48 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30401 ROCKY ROAD SUBDIVISION PUBLIC IMPROVEMENTS.
- b. RESOLUTION NO. 05-49 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30427 BREANNE COMMONS SUBDIVISION PUBLIC IMPROVEMENTS.

d. Ordinances

e. Other Routine Matters

- a. Approval to Enter into an Agreement with Lane County to act as an Agent for the City for the Appraisal, Negotiation and Acquisition of Real Property Rights.
- b. Authorize the City Manager to Execute an Agreement with Newgate LLC and 3346 Gateway LLC for Installation of a Temporary Traffic Signal at the Entrance to Crossroads Center on Gateway Street.

PUBLIC HEARINGS

1. Appeal of July 12, 2005, Planning Commission Decision to Conditionally Allow Operation of a Soup Kitchen at 344 8th Street Case Number ZON2005-00036.

Mayor Leiken said this public hearing was an appeal of a land use decision made by the Planning Commission and was now before council. The purpose of tonight's meeting was to make sure council had a clear understanding about the nature of the case, that the council listen to those for and against the land use request made by GOREAP and the American Legion, and the council make a tentative decision if council was prepared to do so. Council could then direct staff and the City Attorney to return to the council with findings that supported council's tentative decision, at which time the council would be asked to adopt the findings as a final order.

Mayor Leiken noted that he had received approximately 29 Request to Speak cards related to this item. He said testimony would be limited to three minutes each or less. He also noted that it was council policy that by 10:00pm, the Mayor would either make a motion to continue the meeting or the meeting would end.

Mr. Leahy explained conflict of interest, bias and ex parte contact. He asked councilors to declare any conflict of interest or ex parte contact.

Councilor Ballew recused herself on this item due to bias on this issue. She has also had several ex parte contacts with her neighbors in the Washburne District on this issue.

Councilor Pishioneri said he had no ex parte contact.

Mayor Leiken said he had no ex parte contact.

Councilor Lundberg said she had conversations on this subject, but none which lead to any direction.

Councilor Ralston said he had no conflict of interest. He noted that he had spoken with Tina Novack last year regarding a Thanksgiving dinner.

Councilor Fitch said she had no ex parte contact.

Mayor Leiken opened the public hearing.

Mr. Leahy noted that the discussion regarding conflict of interest and ex parte contact should be part of the public record of the public hearing.

Mayor Leiken agreed.

City Planner Colin Stephens made a statement of the procedure and the criteria for this public hearing. He said the issue before council was to first determine whether or not the soup kitchen was an allowable nonconforming use, and if it was grandfathered as a use that had historically taken place at the American Legion Post. If it was determined that it was not a grandfathered use, the council must then decide if the activity was to be allowed as an expansion of the American Legion Post's historic use by applying the discretionary use criteria of approval. He recited the explanations of both the general description of a nonconforming use and an expansion of a nonconforming use as described in the Springfield Development Code, Article 5. He then read the criteria of approval for discretionary uses as noted below:

A discretionary use may only be allowed if the Planning Commission finds that the proposal conforms with the following criteria:

The proposed use shall conform with to other permitted uses in terms of scale, lot coverage, design, intensity of use and operating characteristics.

The proposed use shall not generate more traffic on local streets or more demand for public facilities than would permitted uses in the same zoning district

The proposed use conforms with applicable Metro Plan policies and applicable descriptions of Land Use Designations shown on the Metro Plan Diagram. Expansions of an existing Discretionary Use shall be exempt from conformance with Metro Plan land use designation descriptions.

Mr. Stephens said the criteria of approval for discretionary uses appeared on a chart on the wall behind the council. He distributed a copy of Article 5 as it applied to the hearing. He referred to Attachment 10 included in the agenda packet which included Article 5 that was adopted by council on July 18, 2005. The application before council this evening was submitted prior to that date. By statute, council would need to apply the earlier code, which he distributed. He read the definition of a nonconforming use under the previous version of Article 5, sections 5.010(1) and 5.040. Mr. Stephens read the criteria into the record.

Mr. Stephens noted that testimony and evidence submitted by participants must be directed to the criteria. Failure to raise an issue with sufficient specificity to afford the decision makers and the parties an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals based on that issue.

City Planner Kitti Gale presented the staff report on this item. Ms. Gale entered several additional letters and photos into the record that were received after council packets had gone out. On July 12, 2005, the Planning Commission conditionally approved a discretionary use application by GOREAP/American Legion Post #40 to allow operation of a soup kitchen at 344 8th Street. Concerned citizens of the Washburne Historic District disagree with the decision and have appealed it to the City Council. Shall the Planning Commission decision be sustained, modified, or reversed?

On July 6, 2005, the Planning Commission opened a public hearing to consider the question of whether a soup kitchen operated by GOREAP Ministries should be allowed to continue at 344 8th Street, which is the American Legion Post #40 hall. The subject property is zoned Low Density Residential and is located within the boundaries of the Washburne Historic District. The commission deliberated and then continued the hearing to July 12, 2005, at which time additional testimony was taken before final deliberation. The commission voted unanimously to allow the soup kitchen as a "Discretionary Use".

On July 22, 2005, Concerned Residents of the Washburne Historic District appealed citing seven areas where the Planning Commission erred by approving the soup kitchen as a Discretionary Use in Low Density Residential zoning.

Springfield Development Code Article 15 Section 15.030 sets forth procedures for City Council review of Planning Commission decisions. Staff will review these procedures with the council at the start of the September 19, 2005, City Council public hearing.

Ms. Gale said at the close of the public hearing, the council should review the public record and make a tentative decision. She reiterated the decisions council would be asked to consider.

Mayor Leiken called for the appellant to come forward. The appellant and the applicants each had 10 minutes to speak.

Co-Appellants Barbara Stahl (724 C Street, Springfield) and Paul and Nora Smith (406 8th Street, Springfield) came forward to speak.

Mr. Paul Smith spoke first. He said if council allowed this it would set a precedent for any illegal business or inappropriate activity without the proper permits. He said GOREAP operated the soup kitchen without the proper permits for several months. Only after they were forced to go through the Planning Commission did they apply for the permit. Over the objections from the neighborhood, the Planning Commission granted a permit for the soup kitchen to operate two days a week, which was an illegal use under city code. He felt the permit had repeatedly been violated. He said nearly ninety-five percent of those that patronize the soup kitchen were transients who do not make an effort to better themselves. He said the soup kitchen enabled those to maintain this lifestyle at the expense of the neighborhood and the entire community. He asked council to revoke the permit.

Mrs. Nora Smith said she and her husband had lived at their home for 34 years. She said she had been threatened twice. She distributed pictures of people that were walking around their home. She noted concerns about some of the people who attended the soup kitchen and the threats they had received. She gave several examples and referred to the photos she had taken. Police were contacted regarding some of these situations.

Ms. Stahl distributed her testimony for the public record. She read from her testimony. She noted that the land use issue was clear based on procedure and requirements set forth in the Oregon State Statutes that govern the city's planning and zoning ordinances. She said the decision by council should be based on factual information. She discussed some of the issue related to the use of this facility for a soup kitchen. She said the Planning Commission made no findings stating the facts and justification for their recommendations. She requested council change the decision made by the Planning Commission. If the appellant prevailed, they would ask for a refund of the \$2178 fee in full. She cited the reasons for this refund. She said it had been over 120 days since the application for permit was rendered complete and a final decision still had not been made.

Co-Applicant Richard Willis (3875 Jasper Road, Springfield, OR) spoke in favor of the soup kitchen. Mr. Willis said the intent was not to hurt anybody, but to address a need in the community. He said the soup kitchen had located at the American Legion Post because it was available and had the assets needed for this use. He distributed a ledger that had been kept since the Planning Commission allowed the soup kitchen to function at this facility. It listed who had been in the soup kitchen and a commentary on what had happened during that process. He said the average usage of the soup kitchen had been twenty-six men, seventeen women and six children. Nine of those attending the soup kitchen had been handicapped. They averaged about 50 people a day for the two days they were opened. He said he had been at the soup kitchen and walked around the neighborhood looking for aggressions, foul language and threats and had not noted any problems, other than with one of the neighbors. He said it was a tough situation. He asked the city to help GOREAP find another location that would work better for everyone. He suggested the Big M Shopping Center off of South 5th Street. He noted it was not in a residential neighborhood and there was less traffic. He said the Planning Commission had allowed them to operate the soup kitchen and GOREAP had tried to meet and exceed their criteria. He said there was a volunteer force ready to help deal with the issues.

Co-Applicant Frank Blair from the American Legion spoke in favor of the soup kitchen. Mr. Blair distributed letters and photographs from the American Legion. He said the packet distributed last Thursday by Ms. Gale did not include the packet of uses that Mr. Blair had given to the Planning Commission. He described the history of events that occurred at this location since 1947. He said the building was brought in by Dara Air Base and placed in at the location. He said the city was not able to locate the zoning variances the Legion Hall received when it was put in. He said the information provided by the city regarding the zoning when the Legion was put in was difficult to understand. He described the photos he had entered into the record. He discussed the many meetings that had occurred at this location. There had been a church on the premises for as long as American Legion had been in place. He said the hall had been for rent for as long as it had been in place. Lane Community College had held classes two nights a week for one term and three years ago Avon used the hall three times a week, which generated a lot of traffic. He said the facility had run a bar and a commercial kitchen for over fifty years. He said most uses outdated the Washburne District. He said the American Legion felt they were grandfathered and as a congressionally chartered Veteran's Association, their activities were

consistent with what they were doing. He said thirty-three to forty percent of the homeless adult males had need of services.

1. Terri Jack, 3403 Watermark Drive, Springfield, OR Mr. Jack spoke in support of the soup kitchen operating at the American Legion site. He said he appreciated the concerns of the city as he had served as a firefighter in a municipality for a number of years. Mr. Jack was a volunteer with the soup kitchen. He spoke of his role in volunteering at this site. The majority that came to the soup kitchen were residents of Springfield and were born in Springfield. Most people came on foot, and he had not seen any camping, panhandling, or consumption of alcoholic beverages. Many who came to the soup kitchen were low-income people who just needed some help, including those on social security. He described some of those that came to the soup kitchen. He said he knew the city did not have the resources to assist. GOREAP was serving this need at no cost to the taxpayers. He said he talked to the police about the calls that had come in and the police had looked into the calls.
2. Vicki Jack, 3403 Watermark Drive, Springfield, OR Ms. Jack spoke in support of the soup kitchen. Ms. Jack said she had been a citizen of Springfield for many years and had done a lot of volunteer work in the community. She said when she learned of the soup kitchen, she and her husband wanted to help to make Springfield a better place and to help their community. She said she had seen only positive impacts from the soup kitchen. This was a good way to help the citizens of Springfield.
3. Edward William "Will" Rice, 327 6th Street, Springfield, OR Mr. Rice read from the preamble of the charter for the American Legion. He said he was a veteran and had done two tours. He said the building was serving as stated in the charter. He said he felt this organization and this site were grandfathered in.
4. Li Bette Porter, 36944 Hills Creek Road, Springfield, OR Ms. Porter said most had looked at this issue for a longer time than she had and more deeply. She relayed her experience. She said she went and ate lunch at the soup kitchen by the invitation of a volunteer. She parked down the road out of concern for parking problems, but most who attended the soup kitchen came by foot or bicycle. Two women greeted her in a friendly fashion. She discussed the kindness of those at the soup kitchen and described the cleanliness of the facility. She discussed some of those eating at the soup kitchen. It was a very peaceful atmosphere. The servers, diners and neighbors were all very kind. She said this was a community center in the highest sense of that word.
5. Robert Lockhart, 1250 Rainbow Drive, #44, Springfield, OR Mr. Lockhart was the current Senior Vice Commander at the American Legion Post #40. He discussed the neighbors' concerns and the way they treated those that attended the Soup Kitchen. He said the Smith's had caused a great deal of discomfort to their already troubled clientele. He noted the Smith's complaint of threats and foul language from those who attended the soup kitchen, yet Mr. Smith had entered the building and threatened those attending and volunteering the soup kitchen. He said one issue that was discussed at the last Planning Commission meeting was the number of people currently using the facility and how that was different from the past. He distributed documents that showed the bar receipts. He said the bar was opened three nights a week in the past, with seventeen drinking people in attendance each night. That number did not include others in attendance who did not

drink. He discussed other past uses at this facility. He submitted additional lists for the record.

6. Serena Swenson, 759 Mill Street, Springfield, OR Ms. Swenson said she was a substitute teacher for the Springfield Schools for the past two years. She worked with children who came in to the soup kitchen on Saturdays. She described the other uses of this facility besides a soup kitchen including clothing distribution and assistance. She submitted a list of school supplies one of the children had submitted. She was concerned with the bickering over this issue. There needed to be a specific place in Springfield for this type of service for the children, low-income families and the homeless. She referred to the girls cited by Ms. Smith who had thrown food into a home. She said the girls were throwing the food into the house to a dog who was inside the home. The girls later went to the home with a representative from the soup kitchen and apologized to the owners. She said she was concerned for the children and didn't want to ignore the children.
7. Tina Novack, 2162 Lock Drive, Springfield, OR Ms. Novack shared her testimony to shed light on this circumstance. She described her upbringing in a dysfunctional family and how she turned her life around at the age of 34 in 1993. She quoted from the Bible. She said she was a licensed minister and a member of American Legion Post #40 Women's Auxiliary. She read from the Bible a verse regarding feeding and clothing those in need. She discussed accusations that had been made towards this facility. She said division had come to the neighborhood. She said GOREAP preached the gospel and they would like to continue to show God's love. She submitted her minister's license and a copy of her American Legion membership card for the record.
8. John Brewster, 3945 ½ E. 17th, Eugene, OR Mr. Brewster said he appreciated the Hope House and they helped him out when he needed food and clothing. He said it was a very nice place and he thanked them for being there. He said he hated to see it go because it was helping a lot of people.
9. Deanna Trujillo, 408 D Street, Springfield, OR She said she, her husband and their three children had lived in the Washburne Historical District for four years. She and her husband were pastors of City of Destiny Church, currently housed in the Crossfire Building on 28th Street. She said she had submitted a letter in the packet. She added that there had been concerns from some neighbors of the dangers in the neighborhood. She said that the homeless people had been in Springfield since the day she had moved to the neighborhood. She said they had similar issues before the Soup Kitchen was in place. She said the neighbors didn't feel they were safe, but that was an issue that would not go away even if the Soup Kitchen went away. She said she had never let her son walk alone because of the neighborhood. She also noted that she had proof that in the 97477 zip code area there were many registered sex offenders in the area who wandered the streets as any other neighbor would do. Families should be concerned about that. She said she had begun a bread ministry in her neighborhood that donated from time to time to the Soup Kitchen. She had been there many times, and was always treated with respect.
10. Tom Novack, 2162 Loch Drive, Springfield, OR Mr. Novack said the Planning Commission considered a wide range of issues to render the GOREAP decision, yet some of their comments were not included in the agenda packets provided by the city. He said the Planning Commission noted the Salvation Army operation at Centennial and Mill

Streets as also a commercial usage in a residential zone. As a fraternal organization, the American Legion had the right to serve food to its members and guests, as they had done since the 1940's. He said that over forty percent of the men at the GOREAP functions were veterans eligible for membership. The Planning Commission also considered that anyone could rent out the hall to serve food and the Legion had continually made the Hall available to rent since the 1940's. The Planning Commissioners had acknowledged that food could be served at the Hall either as a membership activity or a hall rental. Mt. Pisgah Church currently met at the hall and served food to their congregation. Ruling against GOREAP would imply that the Mt. Pisgah Church would need to stop using the facility also. He discussed potential Ballot Measure 37 issues. He said the City Development Code did not define a soup kitchen. He said a soup kitchen was only referred to as a secondary use for a church. He said what was considered a soup kitchen was not GOREAP's secondary use, but their primary use at this facility. To rule against GOREAP would deny their religious freedom of expression. He said the Planning Commissioners had commented that just because business fell off a bit over the years, did not revoke the Legion's right to conduct business when the opportunity presented itself. The commission would never apply such a standard against a retail store. Commissioner Beyer noted that Ms. Gale's report was fundamentally flawed in her approach to this application because the City Code never considered the term 'use' as a function of days of operation. Springfield's Development Code considered an expansion or change of usage as a function of square footage, not days of operation. Commissioner Beyer had considered the continuousness of the business to be the key issue. He said the Legion was grandfathered. Commissioner Beyer summarized by stating that the Planning Commission had no legal right to deny GOREAP's activity. He submitted his written comments along with Lane County's print out listing the building as a 2-11 Commercially Zoned building for fraternal, social and civic events. According to county employees, this zoning was originally reached in conjunction with city officials. Just because the city lost the details was not a reason to penalize GOREAP.

11. Perry "Scott" Cramblit, 537 4th Street, Washburne Historical District, Springfield, OR. Mr. Cramblit said he had been a resident of Springfield since 1964 and had grown up in Springfield. He said his home was broken into today. He had also had transients come through his alleyway quite often, yet he still supported the Soup Kitchen. He said many people were only concerned about their own needs, so Springfield should be proud to have this service. The organization needed to be a good neighbor and do its best to patrol the activities that go on after people get services. He said it sounded like they were doing their best to do that. He said he hoped they would be allowed to continue.
12. Maureen Sicotte, 660 E Street, Springfield, OR. Ms. Sicotte spoke in opposition to the operation of the Soup Kitchen at the American Legion Hall. She discussed the reasons why including zoning. She said she had politely roused soup kitchen patrons from the backyards of vacant house blocks away from the facility. She said fences were broken and she discussed the cost to repair the damage to the rental she owned. She said she called the police department. Her renter left because of her fear. She said she had been threatened while walking her dog. She said she was not unaware of the needs of those that frequent the Soup Kitchen, but she said it was in the wrong location. She said they could partner with the Salvation Army or Calvary Bible Church. She said she was scared, angry and frustrated and would like to have the enjoyment of her home back.

13. Paul Yovanoff, 736 C Street, Springfield, OR Mr. Yovanoff spoke in opposition to the Soup Kitchen. He said the night the Planning Commission discussed this subject was the same day he had moved into his home. He said one of the issues during the Planning Commission's hearing was the mutual agreement that there was a problem among all concerned. There were suggestions of remedies during that meeting. He said he had seen policing of the neighborhood. He asked if this would define the neighborhood he had moved into. He asked if these were things that would now be required. He shared the compassion and concern and agreed that the city or some other organization should relocate the soup kitchen. It was needed.
14. Roxie Metzler, 43081 Deerhorn Road, Springfield, OR Ms. Metzler said she was speaking on behalf of the Historic Commission. She said in March 2005, the Historic Commission recommended the American Legion and GOREAP submit a review of the soup kitchen use to the Planning Commission. It was the belief of the Historic Commission that this was a significant expansion of and a departure from historic uses. In the intervening time, and with the additional information that was presented on July 6 and July 12 and during other meetings, the Historic Commission did not see any reason to interpret that any differently. She said no one questioned the good work being done by the soup kitchen or the need. The only question was whether or not this was an acceptable and appropriate setting. She said the Historic Commission also recognized the existing nonconforming status of the American Legion hall, but the response and the experiences of some of the neighbors had highlighted a certain incompatibility. The Historic Commission still felt the use was not in accordance with historic precedence, such as occasional potlucks, neighborhood association meetings, breakfasts and some evening social clubs. The ordinances were there for a reason and one of the purposes of a Historic District was to maintain the neighborhood qualities and livability. Overall, the past uses had been less frequent and more compatible with the needs of the neighborhood, but the scope of this operation had expanded that role and the use of the site and the Historic Commission did not believe it was a use that was cited in Article 30. The Historic Commission did not believe it was in accordance with previous uses and required a review.
15. Billie Moore, 420 D Street, Springfield, OR Ms. Moore testified about the aggressive behavior in her neighborhood. She noted the restrictions she must follow living in the Historic District and wondered why the soup kitchen did not need to follow the same rules. She said the Washburne District had many other facilities that provided for those in need. She suggested moving the soup kitchen to all neighborhoods so all could bear the burden. She said she also volunteered and was not against the homeless and hungry. She discussed the situation in this neighborhood. She referred to comments from others about her neighborhood.
16. Lynn Brown, 832 D Street, Springfield, OR Mr. Brown said he had served as a Planning Commissioner and City Councilor in Vermont. He addressed the process of the city government and that it was open and based on factual evidence. He said the Planning Commission was presented with a great deal of emotional and scriptural testimony, but little factual testimony based on city code. He said it was the code, not emotion, upon which a decision needed to be made. He agreed there was a need for this service, but questioned whether or not this was the correct site based on city code. He said the professional city planners were on record as finding that the code did not make such

- allowances. The American Legion was a nonconforming use from the time it was built. There was no record that they were given any sort of nonconforming permit to build on this site in 1947. He said it was understandable why that occurred noting the time it was built and the use it was built for. He said the Legion had noted a marked decline in membership and in use of their facility. To maintain their property, they had rented out the facility for other uses, which may not be allowed. He said the church activities may not be legally allowed when current city code was applied, but none had chosen to question that as the church activities had far less negative impacts on the surrounding neighborhood. He discussed the use as the soup kitchen and the fifty to one hundred patrons that attended, principally single, homeless men. Because the soup kitchen was located in the residential, Washburne Historic District, these people who would otherwise have little interest in frequenting the neighborhood, had cause to be present and brought with them the intended threats and problems that were common to that population. He discussed a similar feeding program in a neighborhood in Eugene.
17. Patrina Ulmer, 750 B Street, Springfield, OR Ms. Ulmer said her backyard was across the alleyway from the Legion Hall. She said when it was first open for six days a week, she had four alarms go off at her home. She said she explained to them that they were setting off the alarms by walking through that area and asked them to walk elsewhere. She described other problems she had when the soup kitchen operated six days a week. Since they had gone to the two day a week operation, she hadn't had the same problems. She asked if they would be policing this operation if they would be continuing to serve. She said she understood the need, but had some serious problems.
 18. Gregory A. Leno, 739 C Street, Springfield, OR Mr. Leno said he lived at his home with his wife and two daughters. Since the last meeting, the problems had decreased, but there were still a lot of major issues. He described some of those issues and said he had to call the police numerous times. He said people had been on his neighbor's property as well. He said these problems had been ongoing since they opened and he hoped they would shut down.
 19. Bob Smith, 952 C Street, Springfield, OR Mr. Smith said he had only lived at this residence for three weeks. He said it was a difficult situation and he was pleased to see the community showing such sympathy on this difficult situation. He said he and his wife do like to walk in the neighborhood. He questioned why the rules would be tweaked for this usage in a Historical District. He questioned whether or not the facility was large enough for this operation. He said they may need a larger and better location.
 20. Bruce Berg, 448 D Street, Springfield, OR Mr. Berg said he disagreed with some of his fellow Christians and veterans about this issue. He said there was no doubt this was a wonderful ministry. He said he was hearing on both sides that there was a problem with location. He said his main concern was that this went through the Planning Commission. As a past Planning Commissioner, he saw no legal basis for it to have been approved. He said GOREAP had tightened things down and things were better, but there were still issues. He said his concern was that if it was allowed to go on, what guarantee was there for the neighborhood. Things could get bad again. She said over the last twenty-one years since he had moved to Washburne, he had seen the neighborhood struggle from being a rundown neighborhood to becoming a nicer neighborhood and this was bringing the neighborhood down again. He discussed the past use of the American Legion. He

noted other things, such as excessive field burning, that had gone on in the past which had been lessened for the health and welfare of the community. He said he had found more needles and junk in his yard in the last four or five months. The soup kitchen was affecting neighbors four blocks away.

21. Toni Southworth, 1050 J Street, Springfield, OR Ms. Southworth said she appreciated that GOREAP ministered to low-income and homeless people by meeting a real need. She said several years ago she was also involved with a homeless outreach and they fed people at various parks in the Eugene and Springfield area. She said many people were fed each time. She said that ministry continued at a church in a non-residential location in Eugene. She said she was opposed to having a soup kitchen in this neighborhood. She noted the increase in pedestrian and bicycle traffic as well as the other problems previously mentioned. She said she worked at Brattain Elementary and walked every day during her break. She said she and her co-workers had noticed the increase in foot and bicycle traffic and had, at times, felt uncomfortable. She said a main concern was the proximity to Brattain Elementary. She said the kids need to feel safe walking to and from school. She said to a degree this had become a safety issue. She would like to see this ministry continue at a more suitable location.
22. Anne Ballew, 953 C Street, Springfield, OR Ms. Ballew said she was before council as a Washburne District Neighbor. She said in the code a soup kitchen was allowed as a secondary use in a church. She said the American Legion was not a church and this was not a conforming use. She said the Planning Commission was wrong. This was not an acceptable use in a low density residential neighborhood.
23. Mel Oberst, 630 E Street, Springfield, OR Mr. Oberst said he had lived in the Washburne Historic District for the past five years. He said his neighborhood had been quiet and peaceful, but over the last eight months their car had been broken into, they had legal trespass, there was an assault in the alley behind their house and their neighbor's house was burglarized. He said he was concerned that what was being proposed was a use in a low density district bringing in fifty to one hundred people from outside the neighborhood. He said it was not a use that was compatible with low density residential. The criteria of approval that the Planning Commission reviewed and that council was reviewing asked whether or not the proposed use was compatible with permitted uses in the district. He said permitted uses in the district were low density, detached, single family dwellings. To bring in a use of this nature was incompatible and was too intense. He strongly urged council to overturn the decision made by the Planning Commission in this matter and deny the use of this facility. He felt for the services GOREAP provided. He said it needed to be located in a location where it was better received and could be better served. He urged the city or anyone else that could assist in relocating the soup kitchen. He said he would be willing to lend his services to help in that regard. He strongly believed the commercial soup kitchen was a use that was too intense for a low density residential district.
24. Helen Wagner, 940 D Street, Springfield, OR Ms. Wagner said she had lived in the Washburne District for thirty years. She said it was a residential neighborhood. She said if a population was brought in that had no regard for other people or their property, it was a detriment to the community. She said those kinds of things made her feel unsafe. She said she loved the neighborhood and had never felt unsafe in the past. She discussed the

destruction in the neighborhood. The GOREAP volunteers didn't live in the neighborhood. She said a lot of good input had been received from the community.

25. Mary Jo Moloney, 922 B Street, Springfield, OR Ms. Moloney said her property had been broken into and plants dug up. She discussed the foul language of people walking up and down the street and their visitor's cars were broken into. She said these things all happened before the soup kitchen was in place. She said there was a problem in the district, but she didn't believe it was from the soup kitchen. She said much of the foul language was from students from Brattain Elementary and it went on daily. She said she was here because the letter signed by the residents of the Washburne Historic District with no names and numbers. She said they voted at their Washburne Historic District Association not to become involved and she felt the letter was used to make it feel it was the whole neighborhood, but it was not.
26. William Shoonhoven, 35057 Brabham Road, Pleasant Hill, OR Mr. Shoonhoven said he owned the house across from the American Legion at 325 North A Street, Springfield, OR. He said his heart went out to GOREAP and was thrilled with what they were doing. He said, however, he had been adversely affected by this use. He discussed the issues he had faced. He said the renter he was able to get in had left because of these issues. He noted threatening activities that had gone on near this home that made it difficult to rent out this home. He said he asked the Planning Commission to realize that the code was there for a reason. He said this had ruined his property.
27. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said he supported the Legion Hall. He said as a past councilor and a citizen he had held and attended a lot of events there. The impact on the neighborhood from the external activities by the participants of the soup kitchen was the significant problem. He discussed a similar situation in Eugene. The history of the Legion Hall didn't necessarily lend itself to the impact on the community. In the Condition Number 5, the Planning Commission asked the proponents of the soup kitchen to clean up property three hundred feet from the activity. He said that was not asked of others, such as McDonald's, the dump, Dari Mart or anyone else. He said that would be imposing conditions that were above and beyond what were required within the code. He referred to Condition Number 6 and said that nowhere in the Development Code did the city have the legal right to regulate weaponry in conflict with the constitution of the State of Oregon. He said the soup kitchen was causing an impact on those in the neighborhood and could be beyond what the code allows. He asked council to make the decision that would be best for the neighborhood and the community.

Summation of staff:

Ms. Gale said there was additional information she wanted to provide. She referred to Ms. Stahl's testimony in which she discussed the one hundred and twenty day timeline. Ms. Gale said the application was submitted June 6, 2005 and today was day one hundred and six. Council had until October 3 to reach the one hundred and twentieth day. She referred to Mr. Blair's comment regarding material that was absent from the packet. Ms. Gale said to the best of staff's knowledge, all of the material was included in the July 6 or July 12 Planning Commission packets which were included in the council's agenda packet. She explained that the report was ready at 9:30 p.m. on Thursday night. Staff secretary Brenda Jones stayed into the evening to put it together and Ms. Gale hand delivered the report to Mr. Lockhardt at the American Legion Hall

the next day. She referred to Mr. Novack's comment that soup kitchen was not defined in Article 2, however, Article 2 states that if a definition was not included, go to Webster or Common Dictionary. Ms. Gale said she included common definition from the dictionary and our code in Attachment 4. Ms. Gale referred to Attachment 7-3, in which staff reported that the Legion property had been low density residential (LDR) zoning since 1939 and had continued to be LDR. She referred to the conditions Mr. Simmons spoke of in his testimony. She said he may have been speaking regarding conditions that were under consideration, but not adopted.

Councilor Ralston asked about the conditions regarding one meal per day, two days per week and whether or not those conditions had been met.

Ms. Gale said as of the writing of report there was nothing submitted to staff regarding fulfillment of any of the conditions the Planning Commission had approved on July 12, 2005.

Councilor Ralston said the soup kitchen was to supply records of submission of those conditions.

Ms. Gale said the applicant was to bring that report back on October 18 as noted in Condition 5.

Appellant Summation:

Ms. Stahl said they did not dispute the good GOREAP was trying to do to fight hunger with Lane County Human Services, Food for Lane County and St. Vincent DePaul. She noted that those were vital services to our community. She said this was about the appropriateness of the location of the soup kitchen. She discussed the issues noted by the speakers. She discussed her neighbors who felt torn because they had voluntarily fed the hungry down by the river, yet they now felt at odds and at the defensive due to the increase in problems noted by other speakers. There had been a new fear for personal safety that had occurred since the soup kitchen opened. She noted that the transients may have been around before the soup kitchen, but there was an increase since the soup kitchen opened. She said the nearby neighbors had lived there for twenty five to thirty years. She said they felt the policing efforts had failed and those patrons who did not comply with the conditions of no weapons or no loitering were displaced into the surrounding residential area. There was nothing the sponsors of the Hope Center could do to alleviate the grievances felt by the neighbors. She questioned whether or not a soup kitchen operating two days a week was adequate. She said a soup kitchen operating six days a week at an appropriate location would have more impact for good in the community as a whole.

Applicant Summation:

Mr. Willis said this was a tough situation. Their ministry was to try to meet the needs of people in need. He said the neighbors may look at trying to cut back, but those that visit the soup kitchen had nothing to cut back, but were making a choice of where they could eat and get clothing. He said this was about needs. He said he wasn't sure if this location was the right location, but there were needs that needed to be met. If the city could give ideas for another location to move to, they would accept any help in finding such a place. He referred to information about the number of people who attended which was distributed to council. He said he hoped the need could be met for Springfield. He distributed a notice given to those who came to the soup kitchen. He discussed their efforts to meet the conditions for approval. He said they did not want to be a liability to the neighborhood, but an asset. He discussed the pride in the neighborhood. He understood how the neighbors felt. The need was still there and he asked for direction.

Mr. Blair from the American Legion distributed a copy of the History and Uses of the American Legion Post 40. He said council had the duty to determine if the use at the American Legion was approved by the law. He discussed many other businesses in the area that were more detrimental to the area.

The following items were entered into the public record during the public hearing:

- 1) Letter from Leonard J. Cirino, 685 9th Street, Springfield, OR 97477
- 2) Letter from James Paz, A Assurance Corp of Oregon, Inc. 2221 Main Street, Springfield, OR 97477
- 3) Letter from Ava Hayes, 332 7th Street, Springfield, OR
- 4) Email from Cinda Pierce, 935 B Street, Springfield, OR
- 5) Photos from Nora Smith, 406 8th Street, Springfield, OR
- 6) Written Testimony from Co-Appellant Barbara Stahl, 724 C Street, Springfield, OR 97477
- 7) Hope Center Log dated July 30, 2005
- 8) Letter from Eleanor Wiggins, 1384 Parker Street, Springfield, OR
- 9) Letter from Victoria Cole, 747-6339
- 10) One page of photographs of the American Legion Hall
- 11) List of Liquor Prices and Bar Receipts from the American Legion Hall from 8/1/81 through 8/31/82
- 12) Post 40 American Legion Club Financial Statement 8/3/81 – 8/31/82
- 13) December 2002 Rental Use List
- 14) School Supply List from child attending the Soup Kitchen
- 15) Copy of Tina Novack's Minister's License and America Legion Auxiliary Membership Card.
- 16) Written Testimony from Tom Novack
- 17) Notice to Hope Center patrons
- 18) History and Uses, American Legion Post #40

Mayor Leiken closed the public hearing.

Councilor Lundberg said this was a land use decision. She asked Mr. Blair to come forward to answer some questions. She asked about the historical use of the American Legion. She asked if it was primarily for American Legion members.

Mr. Blair said the main thrust of the legion was for the care and welfare of the servicemen, past and present, their spouses, widows and dependent children as required by the Congress of the United States. He said they were a 501(c)(19) which was congressionally chartered.

Councilor Lundberg asked if the number of those attending the soup kitchen that were veterans was about ten out of fifty.

Mr. Blair said that would be a close estimate. He said forty-one percent of the adult male his age had military service due to the draft. That number dropped rapidly for younger men. He said he was a nationally accredited service officer through Vietnam Veteran's and through National Veteran's Organization and there are two people at the Legion trained in counseling and other services.

Councilor Lundberg referred to an email sent to the Mayor from Mr. Blair which referred to the soup kitchen as an expansion of services.

Mr. Blair said it was not from him. It was from Mr. Blair's Post Commander, Stockton. He said he felt that Mr. Stockton may have meant that without the volunteers from GOREAP, Post #40 would not have been able to provide these services. They were allowed because they were a church ministry and the Legion Hall had allowed churches in their facility since the building was put in.

Councilor Lundberg discussed the conditions from the Planning Commission. She said about one hundred days per year there would be meals served at the soup kitchen and she asked if that was a historical use.

Mr. Blair explained some of the groups that had used the facility and the number of meals served. He said the number of those served was reduced for a time.

Councilor Lundberg said she was still concerned whether or not this use was grandfathered.

Mr. Blair said the Mt. Pisgah Church had been in place for as long as he had been there. Others held events at the American Legion Hall and served food, such as wedding receptions, breakfasts for events and other events.

Councilor Lundberg said she was trying to define whether or not a soup kitchen serving meals one hundred days during the year had been an allowed use.

Mr. Blair said other churches had met at the site several days a week and served food. He said the Planning Commission had noted that the uses in the past may have decreased, but they had continued. He said restraining the use of the American Legion had Ballot Measure 37 connotations.

Councilor Ralston asked if the American Legion was renting the space to GOREAP.

Mr. Blair said they were and that GOREAP was paying for part of the utilities and other expenses.

Mr. Leahy reminded Mr. Blair and the council that the application and the conditions only related to the soup kitchen and did not include any restrictions for other activities at the American Legion Hall.

Councilor Pishioneri asked if the consideration the Legion received from GOREAP was similar to others who rented the facility.

Mr. Blair explained the consideration received from GOREAP.

Councilor Pishioneri asked who the Christian Science served and who the wedding receptions served, as far as the food.

The Christian Science and Mt. Pisgah churches served their congregations and wedding receptions served their invited guests.

Mr. Blair noted that the bar had been open to the public at different times.

Councilor Pishioneri asked if there was always an American Legion member present when the soup kitchen was operating.

Mr. Lockhart said that was correct.

Councilor Fitch asked if the Planning Commission had any concern that they were not upholding current city ordinances or laws.

Mr. Leahy said there was a lot of discussion during the Planning Commission hearings. No one characterized their decision as upholding or not upholding the law. They were looking for factual information.

Councilor Fitch said the Planning Commission did not have findings with their conclusions.

Mayor Leiken said this was a major decision and may be too difficult to make this evening. He said regarding the land use issue, he thought the Planning Commission erred. He would like to give this item another two weeks and work to find another location for the soup kitchen. He said they could make a decision based on whether or not a new location could be found. He said our community did have a serious problem and he commended GOREAP for taking on this issue. He said, however, that regarding land use, he did not believe this use was permitted.

Councilor Lundberg said the bigger question was the grandfathered use. She said she was looking for facts that could answer that question, but had not seen anything solid yet. She said her first inclination would be that this use was not grandfathered. She asked if there could be an extension of the 120 days to gather the findings. The other question was the time frame if there was not an extension.

Mr. Leahy said council had a choice to either make a tentative decision and ask staff to bring findings back to council's next meeting or to have the applicant waive the 120 day rule to a date certain. Council could then make a decision on that date with direction.

Councilor Lundberg asked if a decision needed to be made tonight.

Mr. Leahy said without the extension, they would need to make a decision tonight.

Councilor Ralston asked staff if the applicant needed to pass all criteria listed.

Mr. Stephens said they must pass all criteria if council determined they were a discretionary use.

Mr. Leahy explained the two motions that council could make. If they determined that the use was grandfathered, they would check to see if the use met those criteria. If the answer to that was no, they could continue.

Councilor Fitch suggested the applicant extend the timeline. She said she could be very supportive of that and would feel more comfortable getting the information to make that decision.

It would give council time to make those decisions. She said this needed to be done thoughtfully and carefully. Making a decision tonight to meet the 120 day deadline would not be best.

Councilor Pishioneri said he believed it was contrary to the land use code. There was a need that was being supplied and he noted the potential for increased crime if those needs were not met. The soup kitchen deserved a look at sustainability, but not in that building. They deserved to find a better environment.

Councilor Lundberg asked Councilor Fitch if she would support making a tentative decision tonight and asking staff to bring back findings for the final decision.

Councilor Fitch said she would like more information before making a final decision. She would probably vote against that motion.

Mr. Leahy said findings would need to be found and a decision made on September 26 if no extension was requested.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO MAKE A TENTATIVE DECISION TO DETERMINE THAT THE USE OF THE AMERICAN LEGION POST AS A SOUP KITCHEN DOES NOT QUALIFY AS A LEGAL NON-CONFORMING USE UNDER SPRINGFIELD DEVELOPMENT CODE ARTICLE 5, BASED UPON THE ABSENCE OF EVIDENCE IN THE RECORD THAT THIS TYPE OF ACTIVITY HAS HISTORICALLY OCCURRED AT THE SITE AND REQUEST THAT STAFF PREPARE FINDINGS IN SUPPORT OF THIS MOTION FOR COUNCIL ADOPTION AT A SUBSEQUENT MEETING. THE MOTION PASSED WITH A VOTE OF 3 FOR, 1 AGAINST (FITCH), AND ONE ABSENT (WOODROW). COUNCILOR BALLEW DID NOT PARTICIPATE.

Councilor Fitch said she would be voting against the motion at this time until she received further information. She said she believed the Planning Commission looked at this and approved it, and she wanted to make sure there was justification.

Councilor Ralston said it was a difficult decision. He acknowledged the need, but said it didn't seem to be in the right location. He said he would like the soup kitchen to find the right location. He noted the lack of findings the Planning Commission had on this when they made their decision. He said he hoped an appropriate location could be found.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO MAKE A TENTATIVE DECISION TO DENY THE SOUP KITCHEN AS A DISCRETIONARY USE, BASED ON THE ABSENCE OF EVIDENCE IN THE RECORD THAT THE PROPOSAL IS CONSISTENT WITH THE CRITERIA OF APPROVAL AT SECTION 10.030 OF THE SPRINGFIELD DEVELOPMENT CODE AND REQUEST THAT STAFF PREPARE FINDINGS IN SUPPORT OF THIS MOTION FOR COUNCIL ADOPTION AT A SUBSEQUENT MEETING. THE MOTION PASSED WITH A VOTE OF 4 FOR, 0 AGAINST AND 1 ABSENT (WOODROW). COUNCILOR BALLEW DID NOT PARTICIPATE.

Councilor Lundberg discussed finding a location for a similar facility several years ago. She said food boxes were distributed for three months from city hall during the transition until a permanent location was found. She said she would personally try to find another location for the soup kitchen if the findings showed the soup kitchen was not a correct use of this site.

Mayor Leiken called for a 10 minute break at approximately 8:37 p.m.

Councilor Fitch signed off and was not present for the remainder of the meeting.

Mayor Leiken reconvened the meeting at approximately 8:47 p.m.

2. Annexation of Property Owned by PeaceHealth and the City of Springfield, Journal Number LRP205-00007.

RESOLUTION NO. 05-50 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORIES TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION BY EXPEDITED PROCESS.

(Note: The Resolution was not read aloud by title)

City Planner Linda Pauly presented the staff report on this item. PeaceHealth has requested annexation of approximately 14.15 acres of property it owns at 123 International Way (north side of Deadmond Ferry, west and south of International Way and east of Maple Island Road). The annexation request includes Lane County Assessor's Map Number 17-03-15-40, Tax Lots 800, 900, and two separate portions of Tax Lot 1100. The territory to be annexed is described as Tracts 1, 2 and 3, see Attachment 1, Exhibit A.

As recommended by the Lane County Local Boundary Commission staff and the City Surveyor, this annexation request also includes several areas not previously annexed which are public rights-of-way owned by the City of Springfield. Approximately 0.54 acres of Maple Island Road right-of-way is included in Tract 1, Attachment 1, Exhibit A. Approximately 0.06 acres at the northern portion of the roundabout intersection at Maple Island Road and International Way, adjacent to Tax Lot 500 is described as Tract 4, Attachment 1, Exhibit A.

The applicant requests annexation in order to permit the future development of campus industrial uses on the property, consistent with the standards of the Campus Industrial (CI) zoning district and the Gateway Refinement Plan. Such urban uses are not permitted in the Urbanizable Fringe Overlay District, and annexation is required.

Article 6.030(2) of the Springfield Development Code requires that territories considered for annexation must be provided with "key urban facilities and services", as defined in Metro Plan Policy 8.a, Page II-B-4. Among these key urban services are water, sewer, storm water facilities, streets, electricity, parks, fire/emergency services, and schools. Staff finds, based on analysis, that key urban services are available to serve the territory, with the exception of long-term off-site transportation and long-term off-site stormwater management facilities which are being provided for in an Annexation Agreement, which has been negotiated with city staff and the applicant.

The City Council is authorized by ORS 199.490(2)(a)(B) to initiate annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed. There are no registered electors currently residing within the territory proposed for annexation. Signatures from the property owners have been obtained.

With council approval, this resolution will be forwarded to the Lane County Local Government Boundary Commission with a recommendation for an expedited process. If a public hearing is requested on the annexation, it will be held at the December 1, 2005 meeting.

According to the Lane County Regional Land Information database, the 2004 total assessed value of the subject property (Tax Lots 800 and 900 only) is \$454,130. The portions of Tax Lot 1100 are part of a property with a total assessed value of \$7,527,490. Upon annexation, the property could be developed with campus industrial land uses in accordance with SDC 21.020 and the Gateway Refinement Plan.

Ms. Pauly referred to a map of the area, Attachment 1-7 in the agenda packet. She said PeaceHealth was seeking annexation approval in order to develop the property consistent with the Campus Industrial district standards. The property was known as the RiverBend annex and PeaceHealth had been occupying the property for new uses for the former Sony building. She said the total acreage was 14.75 acres and staff's review was attached. She noted some pages that were missing in Attachment 2. Those corrected pages were distributed to council.

Ms. Pauly said PeaceHealth had signed an annexation agreement which provided for improvements. The agreement required PeaceHealth to contribute to a future stormwater main via easements or reimbursements to the city and also required PeaceHealth to contribute a proportional share based on acreage of the costs associated with offsite transportation system improvements. A draft of the annexation agreement was included in the agenda packet and the final version was signed by PeaceHealth and the Assistant City Manager. Staff found the proposed annexation agreement was consistent with the standards and criteria of Springfield Development Code Article 6 and recommended approval. Staff requested the City Council forward a resolution initiating annexation to the Boundary Commission along with a request that the annexation be approved by expedited process.

Councilor Ballew asked if this property would be taxable.

Discussion was held regarding whether or not OML would be taxable. It was in the Enterprise Zone.

Mayor Leiken said he had heard that OML was a not-for-profit under the PeaceHealth banner.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND OF COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 05-50. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST. (2 ABSENT – FITCH AND WOODROW)

3. SDC Credits for Prior Use.

ORDINANCE NO. 6141 – AN ORDINANCE MODIFYING THE BASIS FOR
CALCULATING CREDITS FOR PRIOR USE AGAINST SYSTEMS DEVELOPMENT
CHARGES, AMENDING SPRINGFIELD MUNICIPAL CODE SECTION 3.416, AND
DECLARING AN EMERGENCY.

(Note: The Ordinance was not read aloud by title)

Technical Services Manager Len Goodwin presented the staff report on this item. Current city code limits to two years the availability of SDC credits for prior use in the case of a property where the prior use has been abandoned or demolished. The proposed Ordinance would eliminate that time limit.

The original intent of the temporary credit for prior use was to stimulate rapid redevelopment of vacant properties. It appears that it no longer serves that purpose and, in fact, may discourage redevelopment of sites that have become disused. It appears that making the credit permanent for those properties where SDCs have been paid will have minimal economic impact. If it eliminates an impediment to redevelopment of long disused sites, it may actually produce positive results.

A second reason for the temporary nature of the credit was the difficulty of establishing the prior use for abandoned sites. By making the credit available to those sites where prior SDCs have been paid, the draft ordinance addresses that issue.

Mr. Goodwin said it was unclear whether or not the credits had been effective. There had been several cases where developers had made it clear that the loss of credit for prior use was a significant impediment to going forward with redevelopment. He said it had been a constant source of complaint by members of the development community and had not proved to be a significant source of revenue to the city nor a significant stimulus for redevelopment.

Mr. Goodwin said the credit was not the same as the waiver for Downtown SDCs, which was in effect until December 3, 2006. He said this was a credit for a prior use anywhere in the city which currently expires two years after that use had been abandoned. He said he received a call from Roxie Cuellar of the HomeBuilder's Association (HBA), who indicated that the HBA supported adoption of the ordinance.

Mayor Leiken asked for a motion to extend the meeting to 10:10pm

IT WAS MOVED BY COUNCILOR RALSTON WITH A SECOND BY COUNCILOR BALLEW TO EXTEND THE MEETING TO 10:10PM. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST. (2 ABSENT – FITCH AND WOODROW).

Councilor Ballew said that after two years, it was difficult to know what was out there and that was another good reason to pursue business licensing.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR PISHIONERI WITH A SECOND BY COUNCILOR BALLEW TO ADOPT ORDINANCE NO. 6141. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – FITCH AND WOODROW).

Councilor Ballew asked for clarification on the credit. Mr. Goodwin clarified.

BUSINESS FROM THE AUDIENCE

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer spoke regarding franchise fees. He said it was probably legal but immoral. He referred to his NorthWest Natural Gas bill. He discussed many of the fees on his bill and asked why the city charged franchise fees to support those fees.
2. Fred Simmons, 312 S. 52nd Place, Springfield, OR Mr. Simmons said he had two issues. Qwest lost one of its cable lines in the 32nd Street process. He discussed the fact that service was lost, yet citizens must still pay the franchise fee to Qwest. He said if there was a refund, he hoped the city would adjust the rate. He wondered how that adjustment would affect those who had loss of business due to the phone outages. He said it was a complicated legal issue. The second issue he spoke on was the City's Disaster Plan. He said he read the plan last week and it was an excellent plan. He said additional work needed to be done in light of what happened with Hurricane Katrina. He said we would have to look to our own efforts far more than in the past. He said we couldn't count on immediate assistance in the process. He said it would really put us to the test. He asked for public discussion when the Disaster Plan comes before council. He said he wanted to make sure everything was done that should be done that they didn't do in New Orleans for the protection of the community at large.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Fifty Letters from Patrons and Volunteers of the Hope House in Support of Keeping the Soup Kitchen Open at 344 8th Street. (Individual Letters are Available for Review in the City Manager's Office.)

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR PISHIONERI TO ACCEPT THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – FITCH AND WOODROW).

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

BUSINESS FROM THE CITY MANAGER

Assistant City Manager Cynthia Pappas said the Emergency Management Plan draft that Mr. Simmons discussed was still in early draft form. Staff had just received it and was in the process of reviewing it. The Plan would be coming to council during a public hearing sometime in the future.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at approximately 10:05 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder